BRITISH BECHUANALAND.

(CROWN COLONY.)

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CORRESPONDENCE

RELATIVE TO THE

TRANSFER OF BRITISH BECHUANALAND TO THE CAPE COLONY.

Presented to both Houses of Parliament by Command of Her Majesty.
February 1896.

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BRITISH BECHUANALAND.

(CROWN COLONY.)

CORRESPONDENCE

RELATIVE TO THE

TRANSFER OF BRITISH BECHUANALAND TO THE CAPE COLONY.

No. 1.

LIEUT.-GENERAL GOODENOUGH to the MARQUESS OF RIPON.

(Received June 1, 1895.)

Government House, Cape Town,
May 14, 1895.

MY LORD MARQUESS,

I HAVE the honour to enclose, for your Lordship's information, copy of a letter which I have received from Mr. D. Wessels, of Vryburg, covering two petitions in favour of the annexation of the Crown Colony of British Bechuanaland to the Cape Colony.

I have, &c.

W. H. GOODENOUGH, Lieutenant-General,
Administrator and High Commissioner.

Enclosure in No. 1.

From D. WESSELS & Co., Solicitors, Vryburg, to the IMPERIAL SECRETARY, Cape Town.

Vryburg, May 8, 1895.

SIR,

AT the request of several of the inhabitants of this town and district we are sending you two petitions in favour of the annexation of this Territory to the Cape Colony and must ask you to be good enough to submit the same to his Excellency General Goodenough without delay.

We shall be glad if you will at the same time inform his Excellency that some more petitions bearing on the same subject are being signed and will be despatched in due course.

We are, &c.

D. WESSELS & Co.

The Imperial Secretary,
Cape Town.

PETITION.

To His Excellency Lieutenant-General WILLIAM HOWLEY GOODENOUGH, Companion of the Most Honourable Order of the Bath, Senior Officer in Command of Her Majesty's Troops in the Colony of the Cape of Good Hope, Administering the Government of the said Colony and the Territories and Dependencies thereof, Governor of the Territory of British Bechuanaland, and Her Majesty's High Commissioner for South Africa, &c., &c., &c.

The petition of the undersigned, being landed proprietors and other residents in the territory of British Bechuanaland, humbly sheweth:

That for many and divers reasons, whereof some are hereinafter set forth, your petitioners respectfully submit that the time has now arrived at which it is right to

approach Her Majesty with a request for the speedy incorporation in and annexation to the Colony of the Cape of Good Hope of the territory of British Bechuanaland :—

I. Inasmuch as, although the people of the territory of British Bechuanaland desire and are fit for taking part in a representative form of government, yet it is not desirable that separate representative institutions should be established in a territory whose interests and requirements link in so intimate a bond the territory to the Cape Colony with whom close and cordial official, social, and commercial relations exist.

II. Inasmuch as the administration of justice cannot be deemed to be upon a basis entirely satisfactory so long as there continue to be in the territory no court of first instance superior to the courts of resident magistrates, no court of appeal save to an official holding the position of His Honour the Administrator (whose personal, just, and impartial dealing with all matters is not in any way impugned) and no trial by jury in criminal cases, in all which respects undoubted benefits must accrue to the territory as a consequence of annexation to the Cape Colony.

III. Inasmuch as local self-government, whether for urban or rural localities, requires to be in many respects more efficiently and uniformly constituted and carried out, wherein a distinct gain may be secured by annexation to the Cape Colony, whose laws, in so far as applicable are in general the law of the territory, and whose official, fiscal, municipal and educational institutions are so nearly allied and so readily adaptable.

IV. Inasmuch as by reason of the origin of many of the inhabitants of the territory in view of its geographical situation and by virtue of the establishment of a single system of intercommunication by rail and telegraph and post, the territory and the Colony happily so nearly approach each other that the natural transition can now be easily and conveniently effected.

Wherefore your Petitioners pray that your Excellency may be pleased to take such steps or cause such steps to be taken by your Excellency's Ministers or others as your Excellency may be advised and deem to be necessary with a view to giving effect to the earnest desire of your Petitioners, that Her Majesty may sanction the annexation to the Cape Colony of the territory of British Bechuanaland.

And your Petitioners, as in duty bound, will ever pray.

G. J. Van Niekerk,
P. Vermeulln,
J. T. Burke,
And some 324 others.

Vryburg, British Bechuanaland,
May 8, 1895.

Petition.

To His Excellency Lieutenant-General William Howley Goodenough, Companion of the Most Honourable Order of the Bath, Senior Officer in Command of Her Majesty's Troops in the Colony of the Cape of Good Hope, Administering the Government of the said Colony, and the Territories and Dependencies thereof, Governor of the Territory of British Bechuanaland and Her Majesty's High Commissioner for South Africa, &c., &c., &c.

The Petition of the undersigned humbly sheweth :—

I. That your petitioners are all inhabitants of the territory of British Bechuanaland.

II. That your petitioners appreciate very highly the advantages which British Bechuanaland has derived and the developments which have taken place during the nine years of Imperial Rule and the fact that this country was lifted out of a perfect state of chaos to enjoy the privileges of a settled and constitutional administration shall ever remain indelibly printed on the minds of your petitioners.

III. That although appreciating as your petitioners do the good derived from Imperial Rule, they can and do not disguise the fact that the occupation of this territory by Her Majesty's Government was always looked upon by them as merely a temporary measure until such time as the Colonial Government was prepared for annexation.

IV. That from the experience gained in British Bechuanaland and other Crown Colonies, your petitioners incline to the belief that Imperial Rule was never destined to carry any country beyond the initial stage of colonization, and that, in order to secure further development and the enjoyment of the ordinary privileges extended by all the other states of South Africa to their inhabitants (but denied to your Petitioners), a more liberal form of Government is necessary, which your petitioners think can be secured by the annexation of this territory to the Cape Colony.

V. That your Petitioners have for a long time felt the want of certain necessary reforms conducive to the welfare of the country, such as reduction of the heavy quit-rents imposed on farms in the districts of Taungs, Mafeking, and Kuruman, the establishment of trial by jury and a Recorder's Court, assistance in educational matters, roads, irrigation, the right of representation and various other matters too numerous to mention. And your petitioners have never lost any opportunity of representing to Her Majesty's Government the desirability of meeting the wishes of the people; but all these representations have been in vain and it is self-evident that the system of administration in vogue here will not permit of any material alteration in the present state of affairs.

VI. That your petitioners view with envy the privileges enjoyed by the inhabitants of the Cape Colony in all matters pertaining to their welfare and above all the liberal assistance extended to the farming community.

VII. That the question of annexation to the Cape Colony has been simplified considerably by the fact that the laws of the Cape Colony are in force here, the postal, telegraph, and railway departments being also under their management, and lastly there is a strong and indissoluble tie of relationship which binds the inhabitants of British Bechuanaland to the Cape Colony.

VIII. Wherefore your petitioners humbly pray that it may please your Excellency to use all means in your power to bring about the annexation of this territory to the Cape Colony and to submit this petition to the House of Assembly and Legislative Council during the present session in order that the matter may receive the consideration of these two bodies.

And your petitioners as in duty bound will ever pray.

M. D. THEAL,
B. A. KUUN.
J. L. VAN VUUREN,
And some 101 others.

Vryburg, British Bechuanaland,
May 8, 1895.

No. 2.

LIEUT.-GENERAL GOODENOUGH to the MARQUESS OF RIPON.
(Received June 1, 1895.)

Government House, Cape Town,
May 15, 1895.

MY LORD MARQUESS,

I HAVE the honour to enclose, for your Lordship's information, a copy of a despatch which I have received from the Acting Administrator of British Bechuanaland, forwarding a protest by the Chief Montsioa against the annexation of British Bechuanaland to the Cape Colony.

I also enclose a copy of a Minute which I have addressed to my Ministers on the subject.

I have, &c.
W. H. GOODENOUGH, Lieut.-General,
Administrator and High Commissioner.

Enclosure 1 in No. 2.

From ACTING ADMINISTRATOR, Vryburg, to His Excellency the GOVERNOR, Cape Town.

Vryburg, British Bechuanaland,
May 7, 1895.

SIR,

I HAVE the honour to enclose, for your Excellency's information, a copy of a letter from Montsioa, Chief of the Baralong, enclosing a copy of a petition now being circulated in this Territory amongst the members of the Dutch community, advocating the annexation of this Territory to the Cape Colony, against which proceeding he now desires to protest.

Under cover of this letter he also forwards to me a petition, for transmission to your Excellency, setting forth the advantages of the form of Government which he and his people now enjoy, and the evils which they imagine will attend their annexation to the Cape Colony.

This petition has been in circulation for signature for some time, and is not the result of the announcement made by your Excellency to the Cape Parliament last week. It is signed by Montsioa himself and his chief headmen, by his son and heir, Wessels Montsioa, and by the Chiefs Morumolwe and Phoe and the other principal men of the Baralong Tribe.

The letter and petition were presented to me personally by Mr. De Kock, who appears to have acted as agents to the Baralong people in this matter. He alleges that the number of the people represented by the chiefs and head men who have signed this petition is about 15,000, which is very probably correct. He was accompanied by headman Elisha Leshumo, who was delegated by the chief to see the petition delivered.

I have, &c.

F. J. NEWTON,
Acting Administrator.

His Excellency the Governor,
Cape Town.

Chief MONTSIOA to the ADMINISTRATOR, Vryburg.

SIR, Mafeking, May 3, 1895.

MY people have complained to me that the Dutch farmers residing in this district are taking a petition round to all the members of the Dutch community to sign, praying that his Excellency the High Commissioner will have this country annexed to the Cape Colony. In proof of this a copy of the petition* I now send you.

When this country was taken over by the British Government I was promised Imperial Rule, and since that time repeated promises have been given to me that I, and my people, would always receive the protection of the British Government, which promises and assurances have been from time to time conveyed to my people, who with me accepted, and were pleased, to remain under the just rule of the Imperial Government. I hope, therefore, I shall again be told that the Cape Government will not be allowed to annex this country.

In proof that the Baralong nation dread the Government of the Cape as rulers, I herewith also forward a petition signed by all the principal Chiefs and headmen of the Baralong Nation.

To-day I am told that the Governor informed the Cape Parliament that he was advised by his Ministers that the majority of the people in this country are in favour of annexation to the Cape Colony. This is not so.

I look to you, Sir, to see that we shall receive justice,

I am, &c.

MONTSIOA, his × mark,
Chief of the Baralong.

The Administrator,
Vryburg.

TO ALL WHOM IT MAY CONCERN,

I, JOHN WILLIAM DE KOCK, of Mafeking, British Bechuanaland, Notary Public by lawful authority duly sworn and admitted, and practising at Mafeking aforesaid, do hereby certify and attest that I was present on the second day of May 1895 and did see the Chiefs and headmen of the Baralong Nation, named in the paper writing or petition hereunto annexed, duly sign and execute the same and that previous to their signing the same I did carefully explain the contents thereof to them all there and then present.

In faith and testimony whereof I, the said notary, have hereunto subscribed by name, and set and affix my seal of office at Mafeking aforesaid this four day of May in the year of our Lord one thousand eight hundred and ninety-five.

J. W. DE KOCK,
Notary Public.

To the HIGH COMMISSIONER for Her Majesty's Government in South Africa.

The PETITION of all the Chiefs and Headmen of the Baralong nation forwarded through His Excellency the Administrator for Bechuanaland.

HUMBLY SHEWETH,

YOUR Petitioners, representing the whole of the Baralong nation, have heard with grief that a copy of a petition is going round amongst the Dutch community in this

* *See* Enclosure in No. 1.

district asking your Excellency to have British Bechuanaland, including this district, annexed to the Cape Colony.

We remember this country being taken over by the Imperial Government, and we also remember that we were told that we should always remain under the Imperial Government, as we from the very first objected to be under the Cape Government. We have been loyal contented and happy under Her Majesty's Imperial Government, we have prospered because our interests have been guarded. We have felt the benefits of a just law against the sale of liquor to our people and to ourselves. We know we should have been ruined to-day if that law had not been in force. We have always had our grievances justly and fairly settled; and we know that if this country is annexed to the Cape Colony instead of becoming prosperous we shall become ruined, instead of being contented, we shall be discontented, instead of being justly and fairly treated we shall be unfairly treated, through the indirect, if not direct, influence of the majority of the Cape Parliament, who will frame laws against the welfare of the natives in this country. Instead of remaining on the present Native reserve we may be forced into locations. Instead of administering our Native laws as is now done according to our native customs we shall find ourselves under restrictions which will be made law and which we shall not be able to understand. We shall be without our leaders by having no voice in the framing of any laws.

We must again ask your Excellency that the promises made to us by the Imperial Government when this country was taken over shall be kept which we know and feel will be done, as long as we remain loyal and obedient subjects of our Lady the Great and Good Queen Victoria.

We hope and trust your Excellency will forward this our petition to Her Majesty.

Mafeking, May 2, 1895.

MONTSIOA × his mark,
WESSEL MONTSIOA × his mark,
And about 48 headmen,
(Approximately representing 15,000 people.)

As witnesses:—
STEPHEN LEFENYA.
J. W. DE KOCK.

Enclosure 2 in No. 2.

From ADMINISTRATOR to MINISTERS.

Government House, Cape Town,
May 13, 1895.

MINUTE,

THE Officer Administering the Government and High Commissioner transmits herewith, for the information of Ministers and for any remarks they may desire to make, a despatch which he has received from the Administrator of British Bechuanaland, covering a petition from Montsioa, and the Barolong tribe, against annexation to the Cape Colony.

The Officer Administering the Government and High Commissioner apprehends that Montsioa is mistaken in assuming that the consequences of annexation would be such as he fears.

The Officer Administering the Government assumes that the Native reserves would remain on their present footing; that the Liquor Law and all local laws of Bechuanaland would remain in force; and every reasonable care would be taken by the Cape Government to safeguard Native rights and interests.

W. H. GOODENOUGH, Lieut.-General,
Officer Administering the Government and High Commissioner.

No. 3.

SIR HERCULES ROBINSON to the MARQUESS OF RIPON.
(Received 12.55 p.m., June 11, 1895.)

TELEGRAPHIC.

Resolution in favour of annexation of Crown Colony of Bechuanaland carried yesterday in Legislative Assembly unanimously. Premier will now submit it to Legislative Council. Amendment previously proposed by Mr. Sauer, that status of Protectorate should not be altered without consultation with Cape Government, was negatived by 45 to 23.

No. 4.

LIEUT.-GENERAL GOODENOUGH to the MARQUESS OF RIPON.
(Received June 12, 1895.)

Government House, Cape Town,
MY LORD MARQUESS, May 21, 1895.

I HAVE the honour to enclose, for your Lordship's information, a copy of a letter from the Chief Mankoroane, and of a minute to Ministers, on the subject of the Batlapin tribe petition against the annexation of Bechuanaland to the Cape Colony.

I have, &c.
W. H. GOODENOUGH, Lieut.-General,
Administrator and High Commissioner.

Enclosure 1 in No. 4.

From Chief MOLALA MANKOROANE MOLEHABANGWE to the HIGH COMMISSIONER IN SOUTH AFRIÇA, Cape Town.

YOUR EXCELLENCY, Taungs, May 14, 1895.

WILL find enclosed a petition signed by me and my people against annexation of this country to the Cape Colony, and would respectfully request that your Excellency forward same to Her Majesty the Queen.

I remain, &c.
Chief MOLALA MANKOROANE MOLEHABANGWE,
his × mark.

To the HIGH COMMISSIONER for Her Majesty's Government in South Africa.

The PETITION of all the CHIEFS and HEADMEN of the BATLAPIN'S NATION forwarded through His Excellency the ADMINISTRATOR for Bechuanaland humbly sheweth :

YOUR petitioners, representing the whole of the Batlapin Nation, have heard with grief that a copy of a petition is going round amongst the Dutch community in this district asking your Excellency to have the British Bechuanaland, including this district, annexed to the Cape Colony.

We remember this country being taken over by the Imperial Government and we also remember that we were told that we should always remain under the Imperial Government, as we at the very first objected to be under the Cape Government.

We have been loyal, contented and happy under Her Majesty's Imperial Government. We have prospered because our interests have been guarded. We have felt the benefit of a just law against the sale of liquor to our people and ourselves. We know we should have been ruined to day if that law had not been in force. We have always had our grievances justly and fairly settled and we know that if this country is annexed to the Cape Colony, instead of being prosperous we shall become ruined; instead of being contented we shall be discontented, instead of being justly and fairly treated we shall be unfairly treated. We shall be unfairly treated through the indirect if not direct influence of the majority of the Cape Parliament, who will frame laws against the welfare of the natives in this country.

Instead of remaining on the present Native Reserves we may be forced into locations.

Instead of administering our native laws as is (now ?) done according to our native customs we shall find ourselves under restrictions which will be made law that we shall not be able to understand. We shall be without our leaders by having no voice in the framing of any laws.

We must again ask your Excellency that the promises made to us by the Imperial Government when this country was taken over shall be kept, which we know and feel

will be done as long as we remain loyal and obedient subjects of our Lady the Great and Good QUEEN VICTORIA.

We hope and trust your Excellency will forward this our Petition to Her Majesty.

Paramount Chief of the Batlapin's Headmen,
Chief MOLALA MANKOROANE MOLEABANGHWE, his × mark.

Taungs, May 14, 1895. And some 100 headmen.

Enclosure 2 in No. 4.

From OFFICER ADMINISTERING THE GOVERNMENT to MINISTERS.

Government House, Cape Town,
May 20, 1895.

MINUTE.

THE Officer Administering the Government and High Commissioner transmits herewith for the information of Ministers, and for any remarks they may desire to offer, a Petition which he has received from the Batlapin Tribe of British Bechuanaland praying that they may not be annexed to the Cape Colony.

This Petition, which appears to follow closely the arguments of the Baralong Petition, contains statements in regard to the consequences of annexation which appear to the Officer Administering the Government to call for remark from Ministers.

W. H. GOODENOUGH, Lieut.-General,
Administrator and High Commissioner.

No. 5.

SIR HERCULES ROBINSON to the MARQUESS OF RIPON.
(Received June 12, 1895.)

TELEGRAPHIC.

[*Answered by No.* 6.]

The following resolution now carried unanimously in both Houses :—

Begins :—That, in the opinion of this House, it is expedient that the Crown Colony of British Bechuanaland should be annexed to this Colony, and that the Government take such steps as may be necessary to procure the consent of Her Majesty's Government to such annexation upon suitable terms and conditions, to be submitted for approval to this House.—*Ends.*

Ministers press for early decision, as Session is nearly half over, and Act is necessary so soon as Letters Patent issue at home. I do not think that there will be any difficulty here in meeting your views as to the officials, the liquor traffic, and the Native reserves; the last might be guaranteed as inalienable for stated term of, say, 40 years in Annexation Act, which cannot then be amended without consent of the Crown. If these were so arranged, provisions of Glen Grey Act other than alienation might be extended with advantage to Bechuanaland, especially taxation of native idleness which Loch recommended for Crown Colony in his despatch to Knutsford of 29th June, 1892.*

No. 6.

The MARQUESS OF RIPON to SIR HERCULES ROBINSON.
(Sent 1.50 p.m., June 14, 1885.)

TELEGRAPHIC.

[*Answered by No.* 7.]

Your telegram of 12th June,† under consideration. Have persons named in your despatches of 15th and 21st May,‡ in any way modified opposition to proposed annexation? No prospect of Her Majesty's Government sanctioning taxation of idleness. Late Secretary of State for the Colonies disapproved your predecessor's proposal.

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* Not printed. † No. 5. ‡ Nos. 2 and 4.

No. 7.

SIR HERCULES ROBINSON to the MARQUESS OF RIPON.
(Received 7.50 p.m., June 15, 1895.)

TELEGRAPHIC.

Referring to your telegram of 14th June,* nothing further has been heard from Chiefs. Statements in both petitions untrue. No promises such as alleged have ever been made. Mankoroane himself petitioned for annexation to Cape Colony; *see* p. 95, Blue Book C.—3,686 of July 1883. I think that petitioners' objections as to land and liquor will be removed by the conditions which will stipulated for by Her Majesty's Government, especially as Government of Cape Colony will agree to deal with Montsioa's pension as I have dealt with Mankoroane, namely, half to be continued to his successor. I have to-day conferred with Prime Minister as to Native reserves, Glen Grey Act, liquor and officers. He will agree that Native reserves are to be inalienable except with consent of Her Majesty's Government; that Glen Grey Act be not brought into operation except with consent of Her Majesty's Government [the Act is becoming popular in the the eastern districts and he thinks will be a great success, in which case he feels sure Her Majesty's Government will wish for its extension to Bechuanaland]. As to liquor he will be anxious to meet your wishes. As to officials I think I can arrange, with Ministers any reasonable conditions you may prescribe.

No. 8.

WESLEYAN MISSIONARY SOCIETY to COLONIAL OFFICE.
(Received June 20, 1895.)

[*Answered by No.* 9.]

Wesleyan Mission House, Bishopsgate Street Within,
MY LORD, London, June 19, 1895.

ON behalf of the Committee of the Wesleyan Missionary Society, I have the honour to address you on the following subject:—

As your Lordship is well aware, the question of the annexation of British Bechuanaland to the Cape Colony is under discussion in the Cape Parliament, and Montsioa, Chief of the Barolong tribe, has petitioned Her Majesty's Government, through the High Commissioner, against such annexation.

The missionaries of this Society have, for many years, laboured among the Barolong, and have intimate knowledge of that people, and they entirely concur in the opinion expressed by Montsioa, that the annexation of British Bechuanaland to the Cape Colony would be disastrous to the interests of the natives residing in that country.

My Committee, therefore, respectfully expresses the earnest hope that the petition of the Chief may prevail, and that it may secure for him and for his people the continuance of Imperial rule as heretofore.

There are two principal grounds on which Montsioa fears annexation, and that not without some reason, (1.) that the prohibition of the sale of intoxicants to natives will be discontinued and his people thereby ruined; (2) that the reserves allotted to him after the Land Commission of 1886 will be taken from him, and his people distributed among the Government Locations, in which event the existence of the tribe, as such, will be at an end.

The Missionary Committee, knowing that in previous measures of the Cape Parliament in reference to other native tribes these fears have been realised, earnestly desires that the anxieties of the Barolong Chief may be allayed by the assurance of the protection of Her Majesty's Government in these two most important matters.

Even if his petition cannot be granted to the full extent, and the annexation must take place, we earnestly pray that the Barolong may be safeguarded against the introduction of intoxicating liquors amongst them, and against the forfeiture of their reserve.

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* No. 6.

The Committee would be glad to lay before your Lordship in further detail its grounds for taking this stand on behalf of the native tribe, either personally by deputation, or in writing, as your Lordship may prefer.

Trusting to be favoured with some communication on the subject in due course,

I have, &c.

MARSHALL HARTLEY,

Secretary, Wesleyan Foreign Missionary Society.

No. 9.

COLONIAL OFFICE to the WESLEYAN MISSIONARY SOCIETY.

SIR, Downing Street, June 21, 1895.

I AM directed by the Marquess of Ripon to acknowledge the receipt of your letter of the 19th of June,* calling attention to the petition which the native Chief Montsioa has forwarded against the proposal that the Crown Colony of British Bechuanaland should be incorporated with the Cape Colony.

No decision has been arrived at as regards the proposals of the Cape Government and Legislature; but your Society may rest assured that Her Majesty's Government would not agree to any settlement of the question which did not include, among other important points, adequate safeguards for the interests of the Natives on the two points you specify, viz., their right to the lands set aside for them in 1886, and the continued prohibition of the liquor traffic among them.

In these circumstances his Lordship will not trouble a deputation of your society to call on him, but if you should hereafter wish to address to him any further representations he will not fail to give them careful consideration.

I am, &c.

EDWARD FAIRFIELD.

No. 10.

The MARQUESS OF RIPON to SIR HERCULES ROBINSON.

(Sent 6.15 p.m., June 26, 1895.)

TELEGRAPHIC.

This Government having resigned, I regret that it will be impossible for us to deal with Bechuanaland Question, which must be left to our successors. So inform Ministers.

No. 11.

MR. CHAMBERLAIN to SIR HERCULES ROBINSON.

(Sent 2 p.m., July 10, 1895.)

TELEGRAPHIC.

[*Answered by No.* 12.]

Conditions on which I should be prepared to advise Her Majesty to assent to annexation of Bechuanaland to Cape Colony are as follows:—I assume that Act will be based generally on Cape Act, No. 39, of 1877, relative to Griqualand West. In conformity with Section 27 of that Act, it will be provided that legislative proclamations &c., not inconsistent with Act, will remain in force unless altered by law. This insures preservation of Native reserves and other native land rights, and also continuation of prohibition of sale, &c., of drink to Natives. As at present advised, I consider that it would moreover preclude extension of Cape Act, No. 25, of 1894, to Bechuanaland, except by an Act of Cape Parliament, because Proclamation 62, of 1889, which will remain in force, already makes different and inconsistent provisions on same subject-

* No. 8.

matter. But if you are advised that this view is wrong or doubtful you should require insertion of a provision that above-mentioned Act shall not be extended without fresh legislation.

Another point Chiefs seem anxious about is, preservation of native laws and native jurisdiction under your Laws and Regulations of 1885, especially Sections 20, 31, and 32.

I think this is highly desirable, subject to very gradual modifications tending to infuse principles of civilization and humanity into native system. I suppose some assurances on this subject might be included in the Act or given by your Ministers to Chiefs, notwithstanding the fact that your Laws and Regulations of 1885 will remain, like others, in force until altered. With regard to all the foregoing points, I am keenly alive to the inconvenience to all concerned were Her Majesty's Government to find themselves at some future time under the necessity of disallowing a Cape Law dealing with these matters. I therefore ask your Ministers for an assurance that the Cape Government will not propose to the Cape Parliament bills altering local law as regards drink, land (including Act No. 25 of 1894), or native jurisdiction without concurrence previously obtained of Her Majesty's Government.

It will be further condition of annexation that the Cape Government will continue Montsioa's pension to his direct heir at half its present rate.

As regard members of public service, I presume your Ministers will agree to take them over; but if in any case this is quite impossible, I presume that they will be dealt with on similar principles to those prescribed in Section 31 of Act of 1877. If there be already any pensioners, other than those pensioned for injuries suffered beyond the border, Cape Colony will continue to pay them Police lines and buildings at Mafeking will remain property of Her Majesty's Government, as well as any buildings you may require to retain as Protectorate Offices. Other buildings can be handed over free of charge unless you think differently, but any stores taken over should be paid for at a valuation. Cape Colony will doubtless recognise existing proclamation about discipline of Bechuanaland Police while in the Colony. I should be glad if your Ministers would take over the A. Troop of Bechuanaland Police or an equivalent number of troopers who may be willing to be transferred. The Colonial Government will receive for punishment in Colonial prisons prisoners sentenced in Bechuanaland Protectorate on fair terms as to payment for maintenance.

Rhodes will, if there be any doubt on subject, undertake that within limits of Bechuanaland the Imperial Government continues to enjoy the privileges as to favourable rates of freight, &c., now claimable by Bechuanaland Government under Bechuanaland Railway Agreement, and also privilege of free telegraphic communication as heretofore.

I have notice by telegram of opposition on part of Europeans at Vryburg. If question of their representation in Parliament is treated with liberality it might tend to allay this.

Lastly, Colonial Government will undertake to fulfil international obligations towards Germany, in Namaqualand, especially as regards arms and ammunition. They are aware that there is a trifling boundary question affecting Philander's Country,* and they should be invited to agree to abide by decision of Her Majesty's Government, so as to prevent occurrence of difficulty similar to that which occurred at Schepmansdorp.

If you think I have omitted anything important telegraph and suspend action till further instructions.

J. CHAMBERLAIN.

No. 12.

SIR HERCULES ROBINSON to MR. CHAMBERLAIN.

(Received July 16, 1895.)

TELEGRAPHIC.

July 16.—Referring to your telegram of 10th July† *re* annexation of Bechuanaland to Cape Colony, Ministers request me to inform you that they accept conditions proposed by Her Majesty's Government, and that, after consulting with legal advisers of High Commissioner, acting in concert Administrator of British Bechuanaland, a Bill has been drafted by Attorney-General upon lines approved which will be forthwith submitted to consideration of Colonial Parliament.

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* This point has since been settled with the German Government. † No. 11.

No. 13.

SIR HERCULES ROBINSON to MR. CHAMBERLAIN.
(Received July 22, 1895.)

TELEGRAPHIC.

I have received from Ministers a Minute as follows:—

Begins: In continuation of their Minute of the 16th instant, with regard to the conditions on which Her Majesty's Government are prepared to assent to the annexation of British Bechuanaland, Ministers have the honour to inform his Excellency the Governor that, upon reconsideration of that portion of the Secretary of State's cable message which asks for an assurance that certain legislation shall not be introduced without concurrence previously obtained of Her Majesty's Government, they find considerable difficulty in assenting to the limitation thereby imposed upon the action of the Colonial Government. In their opinion, the provision made in the Bill drafted in consultation with the Administration of British Bechuanaland and his Excellency's legal advisers to the effect that no alteration in the existing law on the subjects mentioned shall be effected without an Act of the Colonial Parliament sufficiently safeguards the interests Her Majesty's Government desire to protect. In their view, the further limitation stipulated for by the Secretary of State would not be in conformity with the Constitution, and would place the Secretary of State for the time being in a position which might prove very embarrassing to him. It would, Ministers desire to add, be impossible for them to bind their successors in office to observe such an agreement as is proposed by the Secretary of State. To avoid any possible future misunderstanding as to their intentions, Ministers desire that his Excellency will inform Mr. Chamberlain that they do not contemplate legislation on the matters in question. (Signed) RHODES. *Ends.*

If you think it necessary to press your condition, Ministers will drop the Bill for this Session; but, if you are prepared to yield the point, they will move the second reading on Thursday, laying correspondence before Parliament. If Bill passed, I will, of course, reserve it for the signification of Her Majesty's pleasure.

No. 14.

MR. CHAMBERLAIN to SIR HERCULES ROBINSON.
(Sent 2.5 p.m., 26th July 1895.)

TELEGRAPHIC.

[*Answered by No.* 15.]

Bechuanaland annexation. I will be satisfied if your Ministers will give me explicit assurance that they will not introduce legislation altering arrangements now arrived at without obtaining previous assurance that Her Majesty's Government are willing to favourably consider such legislation when passed, and if they will in the course of the debates announce to Cape Parliament that they have given me such assurance.

If it would help them, they may add that this promise has been made an indispensable condition by Her Majesty's Government.

No. 15.

SIR HERCULES ROBINSON to MR. CHAMBERLAIN.
(Received July 27, 1895.)

TELEGRAPHIC.

[*Answered by No.* 16.]

Referring to your telegram of 26th July,* I have received the following Minute from Ministers :—

Begins : Minister have the honour to acknowledge the Governor's Minute of this date, transmitting a copy of a telegram from the Secretary of State for the Colonies specifying the nature of the assurance which is considered by Her Majesty's Government as an indispensable condition of the annexation of Bechuanaland. Ministers submit that the following assurance which they are prepared to give would adequately meet the requirements of the Secretary of State, satisfy constitutional principles, and be in accord with the understanding under which, after the Bill had been fully considered, their Minute of the 16th instant was conceived. They are prepared to assure Her Majesty's Government that they will not introduce legislation for altering the existing arrangements or law as to the sale of liquor to natives, as to the land in native reserves, as to Act No. 25 of 1894, or as to the jurisdiction of native Chiefs in Bechuanaland, without previously ascertaining the views of Her Majesty's Government and giving them full consideration. With this assurance Ministers trust that Her Majesty's Government may be satisfied. They regret that they cannot accept the condition in the terms stated, and hope that the suggested alteration may be recognized as affording the fullest possible constitutional guarantee regarding their action in relation to the matter referred to. Ministers apprehended that the terms of the proposed clauses in the Bill dealing with these matters may not have been before the Secretary of State, and would request that this Minute, together with the text of clauses 16 and 17 of the proposed Bill, may be at once transmitted by cable for his information. In conclusion, Ministers request a reply as soon as possible, as the Session of Parliament is drawing towards its close. *Minute ends.*

Clause 16 *begins :* All laws in force in the said territory at the taking effect of this Act in so far as the same shall be repugnant to or inconsistent with any of the provisions of this Act shall, from and after such annexation, stand repealed, but all other laws shall remain in force within that portion of this Colony formed by the said territory until the same shall be altered or repealed by law. Provided that (*a*) nothing in this Act contained shall affect the decision of any question which may at the time of taking effect of this Act be pending in any Court of the said territory ; (*b*) no alteration in the existing law of the said territory in regard to the sale or supply of intoxicating liquor to natives shall be deemed to be effected by the passing of this Act; and (*c*) the native jurisdiction provided by sections 31 and 32 of the schedule to Proclamation 2 B.B. of 1885 shall not be deemed to be abolished by the passing of this Act. *Clause* 16 *ends.*

Clause 17 *begins :* No lands at present reserved by any law for the use of natives in the said territory shall be alienated or in any way diverted from the purposes for which they are, at the date of the taking effect of this Act, set apart otherwise than in accordance with such law or with the authority of an Act of Parliament of this Colony, nor shall any lands or natives in the said territory be brought under the operation of the Glen Grey Act, 1894, without the like authority. *Clause* 17 *ends.*

No. 16.

MR. CHAMBERLAIN to SIR HERCULES ROBINSON.
(Sent 1.40 p.m., 29th July 1895.)

TELEGRAPHIC.

[*Answered by No.* 18.]

In answer to your telegram of 27th July,† I accept the assurance offered by your Ministers, subject to the omission of the words " and giving them full consideration,"

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* No. 14. † No. 15.

which occur at the end, and on condition that they mention in debate that they have given me the assurance now in question.

I may take this opportunity to mention that I am fully alive to the fact that they cannot bind their successors; but British experience proves that public men do respect the pledges of their predecessors, and that fact is sufficient for me.

No. 17.

MR. W. W. TOWNSHEND to COLONIAL OFFICE.
(Received July 30, 1895.)

[*Answered by No.* 21.]

Vryburg, British Bechuanaland,
July 8, 1895.

RIGHT HONOURABLE SIR,

I HAVE the honour, by direction of a committee of farmers and merchants resident in this territory, to inform you that we have this day posted three petitions to you, as Her Majesty's Secretary of State for the Colonies. One petition is signed by Dutch-speaking farmers, one by English farmers and merchants, and one by Indian subjects of Her Majesty, the petitions being to the effect of the enclosed printed copy. That you will submit these petitions to Her Majesty's Government we humbly pray.

I have, &c.
W. W. TOWNSHEND,
For the Committee.

Enclosure in No. 17.

PETITION to the Right Honourable Her Majesty's Secretary of State for the Colonies.

The petition of the undersigned European inhabitants of British Bechuanaland humbly sheweth,

That your petitioners have heard with alarm that a resolution introduced by the Government of the Cape of Good Hope has passed the House of Assembly in favour of the annexation of British Bechuanaland to the Cape Colony. Your petitioners are opposed to such annexation on the following grounds :—

1. That no notice of the proposed annexation has ever been given to the people of British Bechuanaland, and we, as loyal subjects of Her Majesty the Queen, are of opinion that we are entitled to consideration, more especially as, owing largely to our efforts, British Bechuanaland has now nearly attained to a position of paying its own expenses of administration.

2. That your petitioners believe annexation to the Cape Colony will be against the interests of the country and people.

3. That your petitioners have not sufficient confidence in the administration of the Cape Colony, and fear that the affairs of this territory will not receive due attention at their hands.

4. That the Cape Colony has no claim on this territory, having incurred no expenditure in connexion therewith, and the present development of British Bechuanaland being due not to any effort or outlay on the part of the Cape Colony but solely to the energy and enterprise of the people of this territory under the wise and able guidance and control of Her Majesty's Government.

5. That, as Her Majesty's Government are well aware, owing to the rapid development and occupation of British Bechuanaland proper, the revenue is steadily increasing, and there is every reason to believe that in the near future the receipts will greatly exceed the expenditure.

6. That, as by far the greater share of the expenditure now incurred by Her Majesty's Government is required for the Protectorate and not for British Bechuanaland, the annexation of British Bechuanaland to the Cape Colony would not result in any considerable saving to the British taxpayer of the present expenditure.

7. That your petitioners earnestly desire that the Protectorate be added to this Crown Colony, and are strongly of opinion that such a step would be the surest safeguard of the rights of the natives, and a guarantee for gradual and peaceful development in that portion of Bechuanaland similar to that which has taken place in this portion of the territory.

8. That the native population are opposed to annexation to the Cape Colony, and a memorial has already been sent from the Barolong tribe to his Excellency the High Commissioner.

9. That if annexed to the Cape Colony the people of British Bechuanaland would be subject to additional taxation without any corresponding benefit.

10. That the people of this territory have shown every desire to work harmoniously with the rest of British South Africa in all matters affecting the general welfare, particularly the Customs Union; and the retention of a separate form of government in Bechuanaland cannot injuriously affect the commercial or any other relationships of the Cape Colony with Bechuanaland and the interior.

11. That your petitioners believe that the welfare of the country and of all classes of its inhabitants will be best served by the present form of government or by that form of government which has obtained in other Crown Colonies, especially Natal; and your petitioners, being confident of the continued progress of the country, look forward to the speedy approach of the time when the privilege of self-government, in some form approved by Her Majesty's Government, will be granted them.

Wherefore your petitioners humbly request that this memorial from Her Majesty's most faithful and obedient subjects may receive the favourable consideration of Her Majesty's Government.

And your petitioners, as in duty bound, will ever pray.

[N.B.—The other petitions from European and Indian inhabitants of British Bechuanaland are in identical terms.]

No. 18.

Sir HERCULES ROBINSON to Mr. CHAMBERLAIN.

(Received 3.30 p.m., August 2, 1895.)

Telegraphic.

Referring to your telegram of 29th July,* Ministers have given assurance desired. The telegraphic correspondence has been laid before Parliament. The Bill passed both Houses without a division.

No. 19.

Sir HERCULES ROBINSON to Mr. CHAMBERLAIN.

(Received August 6, 1895.)

Government House, Cape Town,
July 17, 1895.

Sir,

I have the honour to enclose, for your information, a copy of a correspondence which I have had with Ministers, relative to the conditions on which Her Majesty's Government are prepared to approve the annexation of British Bechuanaland to the Cape Colony.

The most important condition, and the one requiring the most serious consideration, is that relating to the inalienability of the Native Reserves.

The British Bechuanaland Proclamation, No. 62 B.B. of 1889, provides, under Article 5, subsection *g*, for the issue of individual saleable title, and had this law remained in force the Native Reserves would have been alienable.

The law has never been made operative, as trustees have never been appointed, and no administrative change will be caused by its cancellation and the substitution of a short Proclamation declaring Native Reserves inalienable without the consent of the Secretary of State.

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* No. 16.

Absolute inalienability is, of course, impracticable, as there must necessarily be occasions when it is desirable to acquire land for gaols, hospitals, magistrates' houses, roads, outspans, or other similar purposes, and there must be some means by which the principle of inalienability will be preserved whilst at the same time permitting the erection of European houses or buildings which are necessary or desirable in the interests of the natives themselves.

This object appears to me to be secured by making the alienation dependent on the consent of the Secretary of State, who must, of course, judge of each case on its merits.

I enclose a copy of a cable message sent to you yesterday.

I have, &c.
HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure 1 in No. 19.

From GOVERNOR to MINISTERS.

Government House, Cape Town,
MINUTE, July 15, 1895.

THE Governor and High Commissioner transmits herewith, for the information of Ministers, a copy of a telegram which he has received from the Secretary of State, notifying the conditions on which Her Majesty's Government are prepared to assent to the annexation of the Crown Colony of British Bechuanaland by the Cape Colony.

The Governor desires to acquaint Ministers that, as at present advised, he proposes to repeal the British Bechuanaland Proclamation, No. 62, B.B. 1889, relating to Native Reserves, which has been found to be unworkable, and to substitute a short Proclamation declaring Native Reserves to be inalienable without the consent of the Secretary of State.

The Governor will be obliged if Ministers will favour him with a draft of the Bill which they may propose to submit to Parliament, and if the Attorney-General will advise on the questions asked by the Secretary of State, especially on the question as to the legal provisions against the extension of the Cape Act, No. 25, of 1894, without fresh legislation.

HERCULES ROBINSON,
Governor and High Commissioner.

From SECRETARY OF STATE to GOVERNOR, Cape Town.

TELEGRAM.

[*See* No. 11.]

Enclosure 2 in No. 19.

From MINISTERS to GOVERNOR.

MINUTE. Cape Town, July 16, 1895.

MINISTERS have the honour to acknowledge his Excellency the Governor and High Commissioner's Minute of the 14th instant, forwarding copy of a cable message from the Secretary of State for the Colonies, notifying the conditions on which Her Majesty's Government are prepared to assent to the annexation of the Crown Colony of British Bechuanaland to the Cape Colony.

In reply, Ministers request that his Excellency will inform the Secretary of State that they accept the conditions proposed by Her Majesty's Government, and that, after consultation with the legal adviser to the High Commissioner, acting in concert with the Administrator of British Bechuanaland, a Bill has been drafted by the Attorney-General, upon lines approved of, which will forthwith be submitted for the consideration of the Colonial Parliament.

C. J. RHODES.

No. 20.

SIR HERCULES ROBINSON to MR. CHAMBERLAIN.
(Received 2.10 p.m., August 15, 1895.)

TELEGRAPHIC.

Shippard has interviewed Montsioa and Mankoroane, who are both willing to withdraw their petitions against annexation on conditions of a similar kind to those already stipulated for by you and accepted by Cape Government.

No. 21.

MR. CHAMBERLAIN to SIR HERCULES ROBINSON.

SIR, Downing Street, August 16, 1895.

I HAVE received from Mr. W. Townshend (a copy of whose letter* I enclose) three petitions from persons resident in British Bechuanaland against the proposed incorporation of that Colony with the Cape Colony.

I request that you will cause the petitioners to be informed that Her Majesty's Government have very carefully considered this subject in all its aspects, and that they are of opinion that the interests of British Bechuanaland, no less than of Her Majesty's other possessions in South Africa, will be advanced by the measure to which the memorialists take exception. It should be added that Her Majesty's advisers have no reason to apprehend that British Bechuanaland will fail to receive a due share of attention from the Government and Legislature of the Cape, but that, on the contrary, the territory will be more likely to increase in prosperity as part of a large and wealthy self-governing Colony.

I have, &c.
J. CHAMBERLAIN.

No. 22.

SIR HERCULES ROBINSON to MR. CHAMBERLAIN.
(Received August 19, 1895.)

Government House, Cape Town,
SIR, July 31, 1895.

I HAVE the honour to enclose, for your information, a copy of a telegram from the Administrator of British Bechuanaland, relative to the conditional withdrawal of Montsioa's petition against the annexation of British Bechuanaland to the Cape Colony.

I have, &c.
HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure in No. 22.

From ADMINISTRATOR, Mafeking, to His Excellency the GOVERNOR, Cape Town.

TELEGRAM.

July 31.—After long discussion, Montsioa has agreed to withdraw his petition against annexation to the Cape Colony on the following conditions:—(1.) That all the Native Reserves are to remain inalienable, save with the express consent of Her Majesty's Government, and that titles to land held in servility (*sic* severalty ?) by himself and members of his family shall remain valid. (2.) That the jurisdiction

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* No. 17.

secured to Native Chiefs under Proclamation 2, B. B., 1885, shall be preserved. (3.) That the restriction against the supply of liquor to natives provided by the existing laws of British Bechuanaland shall be maintained. (4.) That the pension of 300*l.* a year at present enjoyed by Montsioa shall be continued to him for life; and further, that a pension of 150*l.* per annum shall be paid to his successor for his life. (5.) That a seat of European magistracy should be maintained at Mafeking. (6.) That the Glen Grey Act shall not be introduced without express legislation with Her Majesty's assent. The Chief Montsioa desires to be distinctly understood that it is only on the faith of the above conditions being observed that he consents to withdraw his petition against annexation to the Cape Colony.

No. 23.

SIR HERCULES ROBINSON to MR. CHAMBERLAIN.

(Received August 26, 1895.)

Government House, Cape Town,
August 6, 1895.

SIR,

I FORWARD, herewith, authenticated copies of a bill "to make provision for the annexation to this Colony of the territory of British Bechuanaland," passed by the Legislative Council and House of Assembly of this Colony, which I have reserved for the signification of Her Majesty's pleasure.

I enclose, also, printed copies of the correspondence* relating to this subject, which was laid before both Houses of Parliament.

This Bill appears to me to meet the conditions specified by you as regar . . nativelands, native jurisdiction, the sale of liquor to Natives, and the Glen Grey Act; whilst all the remaining conditions prescribed in your telegram of 10th July† have been accepted by Ministers in their minute of the 16th July.

If you should approve of the proposed legislation and were able to authorise me by cable early in September to assent to this bill, I think all the necessary arrangements might be made for transferring the territory at the close of the current financial half-year (30th September), and a considerable saving of Imperial expenditure thereby effected. I estimate saving at over 3,300*l.* a month.

I have, &c.
HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure in No. 23.

I reserve this Bill for the signification of Her Majesty's pleasure.

HERCULES ROBINSON,
Governor.

August 2, 1895.

ACT No. 41 of 1895.—CAPE OF GOOD HOPE.

Act to make provision for the annexation to this Colony of the territory of British Bechuanaland.

BE it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof as follows:—

1. So much of the Constitution Ordinance, and of any other law in force in this Colony at the time of the taking effect of this Act, as shall be repugnant to or inconsistent with the provisions of this Act shall be and the same is hereby repealed.

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* Printed elsewhere in this paper. † No. 11.

2. From and after the taking effect of this Act the territory of British Bechuanaland, within the boundaries thereof as then defined, shall become annexed to and thenceforth be portion of this Colony, and, subject to the provisions of this Act, more especially section sixteen thereof, the law of this Colony, shall be of full force and effect in the said territory, the Governor of this Colony being deemed to be referred to in place of the Governor or Administrator of the said territory in any law which, after annexation, shall continue to be in force in the said territory.

3. The said territory shall, for the purposes of election to the Legislative Council of the Cape of Good Hope, be and become from and after annexation a new electoral province of this Colony, which shall be entitled to return to the Legislative Council one member; and the said Council shall consist, from and after the said annexation, of twenty-three elective members instead of twenty-two as heretofore.

4. As soon as may be after the taking effect of this Act, there shall be formed out of the said territory two new electoral divisions to become and be electoral divisions of this Colony for the election of members of the Legislative Assembly of the said Colony in accordance with the provisions of this Act.

5. The said electoral divisions shall be respectively called (1) the electoral division of Vryburg, consisting of the fiscal divisions of Vryburg, Taungs, Kuruman, and Gordonia. and (2) the electoral division of Mafeking, consisting of the fiscal division of Mafeking, The said electoral division of Vryburg shall be entitled to return to the said House of Assembly two members, and the said electoral division of Mafeking shall be entitled to return to the said House of Assembly one member.

6. As soon as may be after the completion of the lists of registered voters as hereinafter provided, the member to be returned as aforesaid for the said new electoral province to the said Legislative Council, and the members to be returned as aforesaid for the said two electoral divisions to the said House of Assembly shall be elected; and for the purpose of such respective elections the said electoral province and the said electoral divisions respectively shall be treated and considered as if members had been returned for the same to the said Legislative Council and the said House of Assembly respectively, and their seats had become vacant by death or resignation, and the fact of the occurrence of such vacancies had been duly notified to the Governor; and the like proceedings shall *mutatis mutandis* be taken to fill the said seats as would take place if the said electoral province and the said electoral divisions respectively had been immediately before the taking effect of this Act a province and electoral divisions respectively of this Colony, and the members elected to fill such seats shall be in the same position in all respects as other members of the said respective Houses of Parliament of this Colony: Provided that in case of a dissolution of either House of Parliament before any such election as aforesaid, but after the taking effect of this Act the said new electoral province and the said two electoral divisions respectively shall in regard to the general election of members be treated in all respects as any other electoral province or electoral division of this Colony entitled to return members to the Parliament thereof.

7. All and singular the provisions of the law of this Colony for the time being relative to the registration and qualification or disqualification of voters, the making out of lists of voters and the proceedings thereon, the nomination, election and qualification or disqualification of members of the Legislative Council and House of Assembly, the taking of polls and the procedure relating to parliamentary elections generally, as well as the provisions of the law of this Colony relating to election petitions and corrupt practices at elections shall, where not repugnant to or inconsistent with the provisions of this Act, be in force and apply to the new electoral province and divisions respectively of this Colony after such annexation as aforesaid.

8. From and after the taking effect of this Act, the Court of the Chief Magistrate existing at the time of such annexation, and all laws, rules, and regulations regulating or affecting the trial of suits therein, shall cease and determine, and the High Court of Griqualand shall have a jurisdiction concurrent with that of the Supreme Court in and over all causes arising and persons residing and being within all districts comprising the said territory, and the rights, powers and functions now assigned to and imposed upon or that may at any time be assigned to and imposed upon the Crown Prosecutor of Griqualand, may be exercised by him in regard to all criminal cases arising within the said districts: provided also that the Governor may by notice in the "Gazette" make provision for the suitable performance by one or more officers in the service of the

Colony of the functions committed to the Master of the said Court of the Chief Magistrate by the law and practice in force in the said territory before annexation in so far as the said law and practice shall be consistent with the law of this Colony.

9. From and after the taking effect of this Act, the law of this Colony relating to the qualification, summoning, and functions of persons serving upon petit juries shall be in force in the several districts of the annexed territory.

10. Every suit and proceeding, civil or criminal, pending in the Chief Magistrate's Court of the said territory at the taking effect of this Act, shall by virtue of this Act stand removed into the High Court of Griqualand, and may be carried on, tried, heard and determined in such last-mentioned court, in like manner as nearly as may be as if they had been instituted or taken in that court after the annexation aforesaid save that the law to be applied shall be the law in force in the said territory at the time when the suit or proceeding was first commenced.

11. From and after the taking effect of this Act the districts of Resident Magistrates existing in the said territory at the date of annexation, and the courts of Resident Magistrates established in such districts, shall become and be districts and courts of Resident Magistrates of this Colony, and such Resident Magistrates as may retain their offices and their respective courts shall cease to exercise the jurisdiction conferred by the law before that date in force in the said territory, but shall be in the same situation and condition and shall have and exercise the same jurisdiction as if such Resident Magistrates and their courts were Resident Magistrates and courts of Resident Magistrates within this Colony; Provided that

(*a.*) all causes, civil or criminal, pending at the date aforesaid may be continued by the court of the Resident Magistrate to final judgment or sentence as though this Act had not been passed;

(*b.*) every appeal from any decision of any such court after such annexation may be made either to the High Court of Griqualand or to the Supreme Court, or to any Circuit Court having jurisdiction; and

(*c.*) every criminal cause decided in any such court which by the law of this Colony must be submitted to a Judge of the Supreme Court for review shall be so submitted to a Judge assigned to the said High Court.

12. The fiscal divisions into which the said territory shall be divided at the taking effect of this Act shall thereupon become and be fiscal divisions of this Colony: Provided that the Governor may at any time before the commencement of the session of Parliament next after such annexation as aforesaid, by proclamation in the "Gazette," alter such divisions, or increase or diminish the number thereof in such manner as to him may seem fit without thereby altering the electoral divisions aforesaid.

13. So soon as may be expedient after the taking effect of this Act, Divisional Councils shall be established in manner by the law of this Colony provided for the several fiscal divisions proclaimed as entitled thereto, and elections of Divisional Councillors shall take place on a day or days to be fixed by a proclamation or proclamations in and for such of the said fiscal divisions as may be named in any such proclamation, so that the said fiscal divisions in that respect may be in the same position as the other fiscal divisions of this Colony, and all and singular the laws of this Colony relating to Divisional Councils shall, from and after the taking effect of this Act, as far as may be, apply to the said fiscal divisions and to elections of Divisional Councillors therein as aforesaid, and where in any law any dates or times are fixed for the performance of any matter or thing relating to the nomination or election of Divisional Councillors or otherwise, the Governor may, in regard to the first election of Councillors for such fiscal divisions which shall take place under this Act, fix such dates and times as to him may seem fit.

14. Notwithstanding anything to the contrary contained in the last preceding section of this Act, any Divisional Council existing in the said territory at the taking effect of this Act and as to which the Governor shall not direct a fresh election, and every Divisional Council which may be elected pursuant to the last preceding section shall, from and after the taking effect of this Act, or from and after its election, as the case may be, be in the same position in all respects as any other Divisional Council in this Colony, and the members thereof shall be in the same position in all respects as if they had been elected at the last general election of Divisional Councillors in this Colony.

15. Until after the first election of Divisional Councillors under the provisions of this Act for any such fiscal division the law in force in the said territory at the taking effect

of this Act shall continue to govern and to be in force with regard to such election and to the qualification of voters or of members of Divisional Councils.

16. All laws in force in the said territory at the taking effect of this Act, in so far as the same shall be repugnant to or inconsistent with any of the provisions of this Act shall from and after such annexation stand repealed; but all other laws shall remain in force within that portion of this Colony formed by the said territory until the same shall be altered or repealed by law: Provided that

(*a.*) nothing in this Act contained shall affect the decision of any question which may at the time of taking effect of this Act be pending in any court of the said territory;

(*b.*) no alteration in the existing law of the said territory in regard to the sale or supply of intoxicating liquor to natives shall be deemed to be effected by the passing of this Act; and

(*c.*) the native jurisdiction provided by sections thirty-one and thirty-two of the schedule to Proclamation 2 B. B. of 1885, shall not be deemed to be abolished by the passing of this Act.

17. No lands at present reserved by any law for the use of natives in the said territory shall be alienated or in any way diverted from the purposes for which they are at the date of the taking effect of this Act set apart, otherwise than in accordance with such law or with the authority of an Act of Parliament of this Colony, nor shall any lands or natives in the said territory be brought under the operation of the "Glen Grey Act, 1894," without the like authority.

18. When by any law which at the taking effect of this Act may be in force in the said territory, any duty, licence, charge, or payment may be leviable or payable within the said territory which is the same as shall then be leviable or payable in this Colony, no double duty, licence, charge, or payment shall be levied or payable; but the duty, licence, charge, or payment which is leviable or payable in this Colony alone shall be after the taking effect of this Act levied and paid; and all licences shall be granted in accordance with the requirements of the law of this Colony, notwithstanding anything to the contrary in the law theretofore in force in the said territory.

19. Nothing in this or any other law which shall be in force in this Colony at the taking effect of this Act shall be construed so as to introduce forthwith into that part of this Colony which is formed by such annexation the operation of the deeds registry of this Colony, but the deeds registry of the said territory shall, in regard to that part of this Colony formed by such annexation, continue for a period of five years from the taking effect of this Act to be the proper and sufficient registry for that part of the Colony, and shall continue to exercise the functions imposed upon it by Proclamation, No. 182 B. B. of 1893.

20. It shall be lawful for the Governor to make by Proclamation such other suitable provision in regard to the registration of such transfers and hypothecations as may be conformable to the law at that time in force with regard to the deeds registry of this Colony, and as may be approved by resolutions of the Legislative Council and House of Assembly, which other provision shall take effect at the expiration of the said period of five years; provided that, with the like approval, the said period of five years may be extended for a like further period.

21. All quit-rents, taxes, duties, dues, and revenue of every kind and nature whatsoever payable to or claimable by the local executive Government of the said territory at the time of the annexation thereof as aforesaid, shall become, be, and continue claimable by and payable to the executive Government of this Colony, and shall be collected and accounted for in the like manner as the quit-rents, taxes, dues, and revenue, according to the nature and kind thereof respectively, are or ought to be collected in the several divisions of this Colony; and all liabilities of the Governor of the said territory at the time of such annexation as aforesaid, including all obligations under the Customs Union Convention or any other Convention, shall thenceforth be deemed to be liabilities and obligations of the Governor of this Colony, provided that the Governor of this Colony shall not be liable to make good any payment or obligation that may exist in respect of the extension of the railway from Mafeking to the North.

22. From and after the taking effect of this Act the officers appointed by the Governor of the said territory for the administration of affairs therein, and whose services may be retained by the Governor of this Colony, shall, notwithstanding anything contained in any law theretofore in force regulating the Civil Service of this Colony, including laws

regarding the pensioning of civil servants or their widows, or in any regulations under any such law, be taken and deemed to have been duly appointed to the offices in which their services have been retained, but every officer who shall not at the date of the taking effect of this Act have completed at the least five years' service shall be subject to every law and regulation framed thereunder requiring the passing of the Civil Service Law Examination, and, save as above excepted, all the officers retained as aforesaid shall in all other respects other than appointment be subject to and entitled to the benefits of all such laws and regulations as aforesaid.

23. The law of the said territory relating to the establishment and regulation of the force commonly known as the Bechuanaland Border Police shall, on the taking effect of this Act, cease to be in force in the said territory, but the Governor may arrange for the retention of the services of such officers, non-commissioned officers, and men of the said force as may in his opinion be necessary for duty within the said territory, and those officers, non-commissioned officers, and men whose services may be so retained shall be enrolled as members of the Cape Police Force, under the provisions of the law relating to the establishment and regulation of that force in this Colony: Provided that, on their ultimate retirement from the said Cape Police Force, the period during which such officers and men respectively served in the Bechuanaland Border Police shall be counted in calculating the retiring allowances to be granted to them.

24. Notwithstanding the repeal of the laws mentioned in the last preceding section, the said laws shall be deemed to continue in force with regard to any member of the force aforesaid while within the territory annexed by this Act and during his service as a member of a police force established for the Bechuanaland Protectorate.

25. It shall be lawful for the Governor to pay to all persons holding offices of profit under Her Majesty the Queen in the said territory at the taking effect of this Act whose offices it shall by reason of such annexation be deemed necessary or expedient to abolish, or whose services the Governor of this Colony may not require to retain, such compensation for loss of office as shall be awarded by the Governor, in conformity with the law in force in the said territory at the taking effect of this Act and with the established regulations of Her Majesty's service, and as shall be approved of by one of Her Majesty's principal Secretaries of State.

26. The existing engagements entered into by her Majesty the Queen with certain Native Chiefs in the said territory, shall from and after the annexation of the said territory be undertaken and observed by the said Governor of this Colony, who shall in discharge thereof pay yearly and every year such sums of money not exceeding in all in any one year the sum of 650*l.* as shall be required for the purpose of meeting the said engagements: Provided always that a full and particular account, showing the manner in which the sums drawn out for the Native Chiefs aforesaid have been expended, shall from time to time be laid before Parliament.

27. From and after the taking effect of this Act, and until the session of Parliament next thereafter, the Governor may pay to persons holding office in the said territory at the time of annexation whose services are retained salaries at and after the same rate as those which shall be payable to them next before such annexation, and also to make such necessary payments as may be required for carrying on the affairs of this Colony in regard to such annexed portion thereof.

28. No additional fees or licences shall be exacted for admission, enrolment, or registration of any advocate, attorney, notary, conveyancer, medical practitioner, chemist and druggist, apothecary, or dentist to practise in this Colony, from any person who before then has been duly admitted, enrolled, or registered in the said territory, and entitled to practise in any of the said capacities; every such person duly admitted, enrolled, or registered, and entitled to practise in any such capacity in this Colony, shall be deemed to be entitled to practise in the like capacity in that portion thereof which is formed by the said territory when annexed, and service of articles or apprenticeship in the said territory before the taking effect of this Act shall for all legal purposes be regarded as though such service had taken place in this Colony.

29. This Act shall take effect on a date to be fixed by the Governor by proclamation, which proclamation shall be published as soon as conveniently may be after the Governor shall be satisfied that all matters and things necessary to be done and to happen in order to enable the said annexation to be carried into effect have been done and happened.

30. Nothing in this Act contained shall be deemed to repeal or abrogate the provisions of Proclamation No. 169 B. B. 1893, dated February 1st, 1893, and establishing the British Bechuanaland Concessions Court, which court shall continue

to have and exercise jurisdiction under the said Proclamation in respect of all cases now pending before it.

31. This Act may be cited as the "British Bechuanaland Annexation Act, 1895."

Passed by the House of Assembly.

JOHN NOBLE,
Clerk of House of Assembly.

Passed by the Legislative Council.

J. A. FAIRBAIRN,
Clerk of the Council.

No. 24.

SIR HERCULES ROBINSON to MR. CHAMBERLAIN.
(Received September 17, 1895.)

Government House, Cape Town,
August 27, 1895.

SIR,

WITH reference to my despatch of the 31st ultimo, and to my telegram of the 15th instant,* I have the honour to transmit, for your information, a copy of correspondence from which you will observe that Montsioa has modified his previous withdrawal of his petition against annexation, and specifies the points on which he asks that securities be obtained.

He also petitions against the transfer of his Protectorate lands to the British South Africa Company.

I understand, though I have had no official intimation of the fact, that Lefenya, Montsioa's representative, accompanied Khama's party to England, and I presume that he will seek an interview with you.

I have, &c.
HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure 1 in No. 24.

From ADMINISTRATOR, Vryburg, to His Excellency the GOVERNOR AND HIGH COMMISSIONER.

TELEGRAM.

August 21.—I have just received a letter from Civil Commissioner and Resident Magistrate, Mafeking, forwarding copy of a letter from Montsioa to the Queen, written by the advice of Messrs. Willoughby and Appelbe. I understand that Wessels and Stephen Levenya have gone to Cape Town. This is the first I have heard of this letter, which appears to be at variance with what Montsioa said when he agreed to withdraw his petition against annexation. I am telegraphing through Civil Commissioner and Resident Magistrate to Montsioa to urge him to recall Wessels and Stephen Levenya at once. Meanwhile, I hope they will be dissuaded from embarking for England.

Enclosure 2 in No. 24.

From GOVERNOR, Cape Town, to His Honour the ADMINISTRATOR, Vryburg.

TELEGRAM.

August 22.—Yours of 21st. Nothing is known of Wessels or Stephen Levenya at Poole's Hotel; it has, however, been ascertained from the Castle Company that Stephen Levenya sailed for England yesterday, but that Wessels did not. Wessels can be found, if wanted, here.

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* Nos. 22 and 20.

Enclosure 3 in No. 24.

From Administrator, Vryburg, to His Excellency the Governor and High Commissioner.

Telegram.

August 22nd. Mine of yesterday. The following received from Resident Magistrate, Mafeking.—*Begins*:—22nd August. In accordance with your wire, received yesterday evening, I saw Montsioa, accompanied by Captain Walford; some of the headmen and Revd. Appelbe were present. I explained position clearly, and did all I could to urge Montsioa to recall the two men. He stated that he will think it over, and send me a reply. To my utter astonishment he denied emphatically his having agreed to withdraw the petition against annexation, and states that he told you he refused to withdraw the petition, although you urged him to do so. Appelbe says had he known that Montsioa had agreed to withdraw the petition, he would not have advised Montsioa to send his men to England.—*Ends*. If Wessels and Stephen Lefenya did not leave for England by yesterday's steamer, Wessels might, I think, be informed that if the petition against annexation be again put forward, in spite of Montsioa's withdrawal, in presence of Mr. Boyes, Mr. Hall, and myself, the Government will not be bound to carry out the terms promised to Montsioa in consideration of the withdrawal, and that this will apply especially to the annuity of 150*l*. conditionally promised to Montsioa's successor.

Enclosure 4 in No. 24.

From High Commissioner, Cape Town, to His Honour the Administrator, Vryburg.

Telegram.

August 23.—Yours of 22nd. I am sorry to find that Montsioa has repudiated his former withdrawal of his petition. It only shows how little value can be placed on these petitions or counter petitions from Native Chiefs. Montsioa's withdrawal is, however, independent of any question of pension to his heir, which is a condition stipulated for by the Secretary of State, and will take effect whether the petition stands or is withdrawn.

Enclosure 5 in No. 24.

From His Honour the Administrator, Vryburg, to His Excellency the Governor, Cape Town.

British Bechuanaland, Vryburg,
August 23, 1895.

Sir,

With reference to my telegram of yesterday, I have the honour to forward, for your Excellency's information, copy of a letter, which Montsioa has been advised by Mr. W. C. Willoughby, of the London Missionary Society, and Mr. Appelbe, of the Wesleyan Mission, to address to the Queen of England and Her Ministers.

I also enclose a copy of a telegram from the Revd. W. C. Willoughby to the Revd. Appelbe, forwarded by the Resident Magistrate of Mafeking, and a copy of a telegram from me to Mr. Boyes, on the subject.

I have, &c.
Sidney Shippard,
Administrator.

His Excellency the Governor,
Cape Town.

The RESIDENT MAGISTRATE, Mafeking, to the COLONIAL SECRETARY.

Re Montsioa's Petition to Her Majesty the Queen.

SIR, Mafeking, August 20, 1895.

I HAVE the honour to forward, herewith enclosed, for the information of his honour the Administrator, copy of a letter dated the 16th instant, from the Chief Montsioa to Her Most Gracious Majesty the Queen. This letter was brought to me to-day by the Revd. Appelbe, Barrarele (Montsioa's son) and the headmen Josiah Motsigare and Josiah Molema, together with a copy of a wire from Revd. Willoughby, Cape Town, to the Revd. Appelbe, Mafeking, which I herewith enclose.

On Thursday, the 16th instant, Wessels (the son of Montsioa) and Stephen Lefenye, came to me and said that they were sent by the Chief Montsioa to inform me that he thought of sending two men to England, about the land in the Protectorate belonging to the Baralong, and asked for my advice. I replied, "tell the Chief I advise not to send, as in my opinion he has nothing to gain, and it will be waste of the people's money;" the reasons I gave were as follows:—

The land claimed by the Baralong in the Protectorate was in dispute, as part of it was claimed by the Bangwaketsi; you appealed to the Government and a Commission was appointed, and a boundary line decided upon, this line was surveyed by Mr. Cloete, and beacons erected by the Baralong. In, I believe, October 1893, just as Major Grey's column was starting for the north, Sir Henry Loch came to Mafeking. Montsioa and his headmen saw his Excellency the High Commissioner and asked if the land which had been decided upon could be given out to his people and titles issued. His Excellency, after consulting with his Honour the Administrator, and the Imperial Secretary, replied that Montsioa could subdivide the ground, but that a draft title was to be submitted for his Excellency's approval, Mr. Surveyor Ashton then subdivided the land into farms, and the plan was forwarded to his Honour the Administrator. A draft form of title was submitted in, I believe, December 1893, and an approved form of title was returned from the High Commissioner. Mr. Ashton then made out the title deeds in accordance with the approved form of title, and these title deeds were forwarded by the Chief Montsioa to the Surveyor-General, Vryburg, for registration; the Surveyor-General returned these titles not registered. Montsioa has personally seen his Honour the Administrator, in connection with the registration of these titles.

I told the two men, for the reasons given, that, under the circumstances, Montsioa's title to the ground was a strong one, and that it would be waste of money to send his men to England. They thanked me and said that they would take my message to Montsioa. I naturally considered that my advice would receive due consideration. But I now find that the Revd. Appelbe had previously advised Montsioa, and that the question of sending to England had been definitely decided upon, in accordance with Mr. Appelbe's advice, before coming to me, and the asking of my advice as to whether they should go was a mere pretence; they had intended to send "nolens volens." I certainly was astonished to find that Wessels and Stephen had gone in spite of my advice, and without letting me know definitely; and it is only to-day, after getting the wire from Revd. Willoughby, that a copy of the letter, dated the 16th instant, to Her Majesty is handed to me for transmission. This letter, I find, does not only refer to Protectorate matters, but to the question of the Baralong rights in British Bechuanaland. The Revd. Appelbe now informs me that he has wired to Cape Town that the letter has this day been handed to me.

I am strongly of opinion that the Baralong have nothing to gain by sending to England.

I have, &c.
GEORGE S. BOYES,
Resident Magistrate.

The Colonial Secretary,
Vryburg.

To the Queen of England and Her Ministers.

Mafeking, August 16, 1895.

We send greeting and pray that you are all living nicely. You will know us, we are not strangers, we have been your children since 1885. Your Government has been

good, and under it we have received much blessing, prosperity, and peace. We are sorry you have taken our land from us and given it to the Cape Government, we do not know their ways and laws. Please make it very just that the Cape shall not have the power to take away the piece of land you gave us in the Land Settlement of 1886. We are many people and the land is very little, the land is our life. Help us again we pray you, do not let the Cape Government kill my people with their brandy. We do not want it, it will destroy us, it will cause fighting and it will fill our land with sorrow and darkness. We are living nicely without the white man's brandy, please hold fast the hands of the Cape so that brandy may never be allowed in our country.

Again, we Baralon are much astonished because we have heard that the Queen's Government wants to give away our country in the Protectorate to the Chartered Company, we mean the British South African Chartered Company.

Our land there is a good land, our fathers lived in it and are buried in it, and we keep all our cattle in it. What will we do if you give our land away? My people are increasing very fast and are filling the land.

We keep all the laws of the Great Queen, we have fought for her, we have always been the friends of her people, we are not idle, we build houses, we plough many gardens, we sow lots of mealies, Kaffir corn, wheat and forage, our people work in the gold fields.

Why are you tired of ruling us? Why do you want to throw us away? We do not fight against your laws. We keep them and are living nicely. Our word is, No! No! the Queen's Government must not give my people's land in the Protectorate to the Company.

I have that land in farms; to some of my headmen the farms nave been measured a long time ago and the Administrator has promised to register the titles. That land is my people's, and we are just sitting quiet until we get the registered title deeds of those farms as promised by the Administrator. Wessels, my son and heir, and Stephen Lefenya, one of my Chiefs, who carry this, will speak all our words to the Queen. Peace to you all. We greet you. Please send a good word back to us.

I am, &c.
MONTSIOA,
Chief of the Baralong.

WILLOUGHBY to Revd. APPELBE, Mafeking.

TELEGRAM.

20th August, 1895.—High Commissioner annoyed that Montsioa did not inform him before sending messengers. Fear they will not see Colonial Secretary. Does Montsioa still wish them to proceed? Wire immediately and also to High Commissioner.

From ADMINISTRATOR to RESIDENT MAGISTRATE, Mafeking.

TELEGRAM.

Vryburg, 21st August, 1895.—Your letter of yesterday. Urge Montsioa by all means to recall Wessels and Stephen Lefenya at once. Assure him that he will do more harm than good by sending messengers to England at this crisis, as he already is quite safe and may be sure that the promises I made will be carried out, provided he does nothing that might look like wishing to renew his petition against annexation. Point out that his position is a very different one from that of the Chiefs Batwen, Sebele, and Khama, none of whom pay hut-tax and who are not actually subjects of the Queen as he is, but merely protected Chiefs. Add that I shall be at Mafeking on Wednesday next and will discuss the whole matter with him, and that I depend upon his showing his loyalty and faith in the Queen's promises by recalling Wessels and Stephen Lefenya at once.

No. 25.

MR. CHAMBERLAIN to SIR HERCULES ROBINSON.

(EXTRACT.)

Downing Street, September 25, 1895.

I HAVE the honour to acknowledge the receipt of your despatch of the 27th ultimo,* on the subject of Montsioa's objections to the annexation of British Bechuanaland to the Cape Colony, and to the transfer of the administration of his lands in the Protectorate to the British South Africa Company.

No. 26.

SIR HERCULES ROBINSON to MR. CHAMBERLAIN.

(Received September 28, 1895.)

[*Answered by No.* 31.]

Government House, Cape Town,
September 5, 1895.

SIR,

I HAVE the honour to transmit herewith 10 copies of my British Bechuanaland Proclamation of the 29th ultimo, providing, amongst other things, that native reserves in that territory shall remain inalienable without the consent of the Secretary of State.

The Administrator's report on this Proclamation will be sent in due course.

I have, &c.
HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure in No. 26.

PROCLAMATION by His Excellency the Right Honourable Sir HERCULES GEORGE ROBERT ROBINSON, Baronet, a member of Her Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of Her Majesty's Colony of the Cape of Good Hope in South Africa, and of the territories and dependencies thereof, Governor of the territory of British Bechuanaland, and Her Majesty's High Commissioner, &c. &c. &c.

WHEREAS it is expedient to repeal Proclamation No. 62, B. B., 1889, and to make other provisions in lieu thereof.

Now therefore, under and by virtue of the powers in me vested, I do hereby proclaim, declare, and make known as follows:—

1. Proclamation No. 62 B. B., 1889, is hereby repealed.

2. All native reserves in the territory of British Bechuanaland shall be deemed to be subject to a reservation of precious stones and precious minerals in favour of the Crown.

3. All native reserves in the said territory as defined in the schedule to this Proclamation shall be and remain inalienable, save with the consent of Her Majesty's Principal Secretary of State for the Colonies.

4. All roads and thoroughfares existing, or hereafter to be made, over any native reserve, and all outspans thereon established, or to be established, for the use of

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* No. 24.

travellers shall remain free and uninterrupted unless the same be closed or altered with the authority of the Governor.

5. The Governor, or any person duly authorised by him, shall at all times have the right of entry on native reserves for such purposes as inspection, survey, the collection of taxes, the construction, maintenance and repair of public works and roads, the searching for precious stones and precious minerals, the extirpation of burrweed or Xanthium Spinosum, and other noxious plants, the prevention of disease among men or animals, well sinking and irrigation, and other public purposes.

6. The Governor, or any body corporate or person duly authorised by the Governor, shall at all times have the power, without compensation, of making, maintaining and repairing acqueducts, dams, drains, roads, railways, and railway stations; of constructing, maintaining and repairing lines of telegraph over, and for taking materials for making, maintaining, and repairing aqueducts, dams, drains, roads, railways, railway stations and lines of telegraph from any land in a Native Reserve which is not built upon or occupied by any hut or dwelling, and which has not been improved by cultivation, irrigation or otherwise; and shall further have the power of making, maintaining, and repairing aqueducts, dams, drains, roads, railway and railway stations, and of constructing, maintaining and repairing lines of telegraph over any such land which is built upon or occupied by any hut or dwelling or has been improved by cultivation, irrigation or otherwise, on payment to the Civil Commissioner of the Division, on behalf of the Chief and people concerned, of such sum of money as may be either mutually agreed upon between the Governor or body corporate or person duly authorised by the Governor, and such Chief and people, or otherwise determined in the manner provided by the Lands and Arbitrations Clauses Act No. 6 1882 and any such sum of money may be dealt with in accordance with judicial order, or as the Governor may direct.

7. All moneys due as compensation in respect of surface damage occasioned by prospecting, digging, or mining for precious stones, or precious and other minerals, or by the construction of railways or other public works in any Native Reserve, and all sums receivable therein or therefrom as subscription, interest, licence moneys, rents and profits accruing to the Chief and people thereof shall be collected and recovered by the Civil Commissioner of the Division in which such Reserve is situated, and shall by him be duly accounted for and dealt with as the Governor shall from time to time by Regulations direct: and the said funds shall be devoted exclusively to the direct and indirect benefit of the Chief and people of such Reserve in such manner and in such proportion as the Governor shall from time to time direct.

8. It shall be lawful for the Governor to direct that measures be adopted for afforestation, and for the conservation of forests in the Native Reserves, and the Civil Commissioner of the Division shall have power to issue licences to any native in any Reserve in such Division to cut upon such Reserve wood for sale or for any other than domestic purposes, on payment of such licence fees to the Civil Commissioner, and under such Regulations as may from time to time be prescribed by the Governor, and the said licence moneys shall be dealt with and accounted for as provided by the preceding section: provided that nothing herein contained shall prejudice the right of any native lawfully inhabiting such Reserve to cut wood thereupon for domestic purposes.

GOD SAVE THE QUEEN!

Given under my hand and seal this 29th day of August, 1895.

Seal.

HERCULES ROBINSON,
Governor and High Commissioner.

By command of His Excellency the Governor of British Bechuanaland.

GRAHAM BOWER,
Imperial Secretary.

SCHEDULE.

Native Reserves.

	Morgen.	Sq. Roods.
Already surveyed or demarcated.		
Molopo. Native Reserve - -	238,945	—
Mosita „ - - -	4,720	353
Setlagoli „ - - -	82,533	—
Henning Vley „ - - -	20,730	—
Madebing „ - - -	10,230	—
Magonat „ - - -	3,050	—
Gapitia „ - - -	6,580	—
Linopen „ - - -	12,330	—
Garaphoane „ - - -	16,550	—
Detlaraping „ - - -	13,300	—
Budin „ - - -	11,220	—
Doxan „ - - -	10,050	—
Kelokeloe „ - -	4,060	—
Gamarona „ - - -	6,440	—
Detseping „ - - -	4,570	—
Keang „ - - -	3,450	—
Motiton „ - - -	47,612	199
Kgokgole „ - - -	6,070	—
Genesa „ - - -	64,133	—
Klein Cwaien „ - - -	7,260	51
Takwanen „ - - -	11,957	100
Lower Kuruman „ - - -	89,993	369
Bothetheletsa „ - - -	17,060	—
Manyeding „ - - -	20,191	—
Tlaring „ - - -	3,117	—
Kono „ - - -	12,480	—
GrootVlakfontein „ - - -	5,830	—
Smauswani „ - - -	3,226	—
Deben „ - - -	5,969	—
Kathu „ - - -	22,800	—
Gathlose „ - - -	57,939	—
Morokwen „ - - -	160,003	545
Maremane „ - - -	14,250	—
Langeberg „ - - -	208,200	—
Kaukwe „ - - -	3,351	—
*Taungs „ - - -	222,933	—
Madeakham „ - - -	6,000	—
Unsurveyed and not yet demarcated.		
Kalahari. Native Reserve - -	10,000	—
Total of surveyed, demarcated, and unsurveyed Native Reserves in B.B.	1,454,134	417

* In which the farms:—Highlands, Modimo, Tlapeng, Tweelings Pan, Panmure, Kokuming, Zwart Puts, Springbok Nek and Wit Pan are included.

No. 27.

Sir HERCULES ROBINSON to Mr. CHAMBERLAIN.
(Received September 28, 1895).

Government House, Cape Town,
September 9, 1895.

Sir,

I have the honour to enclose for your information a copy of a minute paper which I have received from the secretary to the Prime Minister, covering a letter from the Chief Molala, withdrawing the petition to Her Majesty the Queen against the annexation of British Bechuanaland to the Cape Colony.

I have, &c.
HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure in No. 27.

SECRETARY TO PRIME MINISTER to IMPERIAL SECRETARY.

SCHEDULE of PAPERS transmitted to the IMPERIAL SECRETARY TO HIS EXCELLENCY THE GOVERNOR AND HIGH COMMISSIONER.

Subject:—Letter from Chief Molala, withdrawing petition to Her Majesty against annexation of British Bechuanaland to this Colony.

W. H. MILTON,
Secretary.

Prime Minister's Office,
September 7, 1895.

DEAR SIR, Barkly West, September 4, 1895.

I HAVE much pleasure in forwarding to you a lettter signed by the Chief Molala, withdrawing the petition signed by him to Her Majesty the Queen,

I may state that when I visited Taungs in June, I ascertained that many false representations had been made to the Batlapin with reference to the rule of the Cape Government. I went fully into the matter, and explained the absurdity of some of the wicked statements put before the Natives, and I advised Molala to take time to consider what I had explained, and if he arrived at the conclusion that my information was correct, then to sign the enclosed letter, and forward to me for transmission to you.

Mr. Windill, who manages Mr. Windsor's business in Taungs, has also interested himself, at my suggestion, to remove misapprehensions from the minds of the Natives at Taungs.

I am, &c.
J. GERALD DONOVAN.

The Right Hon. C. J. Rhodes, M.L.A.,
Cape Town.

Taungs, British Bechuanaland,
August 31, 1895.

SIR,

THE petition to Her Majesty the Queen of England was signed by me under a misapprehension, and I desire that in so far as it affects me and my people that it be withdrawn.

I must candidly admit that my mind has been prejudiced by representations made to me by divers persons against the rule of the Cape Government. On the other hand it has been pointed out to me that the Cape Government will act justly to me and my people, and I am, therefore, fully prepared to welcome the rule of your Honour's Government.

With greeting, I am, &c.
MOLALA MOLEHABANQUE, his × mark,
Chief of the Batlapin.

As Witnesses:—
S. M. MANKOROANE.
RASAKA × his mark.
MOLEMA × ,,
PETRUS × ,,
INTOKWE × ,,
GANOKE × ,,
MASHOGE × ,,

To the Right Hon. C. J. Rhodes, M.L.A.,
Premier of the Cape Colony.

No. 28.

MR. CHAMBERLAIN to SIR HERCULES ROBINSON.

SIR, Downing Street, October 11, 1895.

I HAVE the honour to transmit to you, for communication to your Government, two Orders of Her Majesty in Council, the first assenting to the reserved Act of the Legislature of the Cape of Good Hope entitled "An Act to make Provision for the Annexation to this Colony of the Territory of British Bechuanaland," and the second empowering you by proclamation to declare the annexation of the said territory accordingly.

I have, &c.
J. CHAMBERLAIN.

Enclosure 1 in No. 28.

At the Court at Balmoral.

The 3rd day of October 1895.

Present,

THE QUEEN'S MOST EXCELLENT MAJESTY.

EARL OF KINTORE, Mr. CHAPLIN,
EARL OF HOPETOUN, Sir FLEETWOOD EDWARDS.

WHEREAS an Act has been passed by the Legislative Council and House of Assembly of the Colony of the Cape of Good Hope, entitled "An Act to make Provision for the Annexation to this Colony of the Territory of the British Bechuanaland."

And whereas the Governor of the said Colony has reserved the said Act for the signification of Her Majesty's pleasure thereon:

And whereas the said Act so reserved has been laid before Her Majesty in Council, and it is expedient that the said Act should be assented to by Her Majesty:

Now, therefore, Her Majesty, doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare Her assent to the said Act.

C. L. PEEL.

Enclosure 2 in No. 28.

At the Court at Balmoral.

The 3rd day of October 1895.

Present,

THE QUEEN'S MOST EXCELLENT MAJESTY.

EARL OF KINTORE, Mr. CHAPLIN,
EARL OF HOPETOUN, Sir FLEETWOOD EDWARDS,

WHEREAS Her Majesty was pleased, by Commission under Her Sign Manual and Signet, bearing date the 1st day of July, 1891, to appoint the Governor or the Officer administering the Government of the Colony of the Cape of Good Hope to be Governor of the territory of British Bechuanaland, and to provide for the Government thereof.

And whereas the territory of British Bechuanaland is bounded on the east by the South African Republic, on the South by the Colony of the Cape of Good Hope, on the west by the 20th meridian east of Greenwich to the point where that meridian intersects the Nosop or Oup River, and on the north by that river to its junction with

Molopo River, thence by that river to its junction with the Ramathlabana Spruit, and thence by that river to the frontier of the South African Republic.

And whereas it is expedient that British Bechuanaland should be annexed to and form part of the Colony of the Cape of Good Hope.

And whereas the Legislature of the Colony of the Cape of Good Hope have, by a law styled the British Bechuanaland Annexation Act, 1895, made provision for the Government of the said territory from and after the annexation thereof to the said Colony.

Now, therefore, Her Majesty, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows :—

1. The Governor or the Officer for the time being administering the Government of the Colony of the Cape of Good Hope is hereby authorized at any time after the date of this Order by Proclamation to declare that on the date named in such Proclamation the territory of British Bechuanaland shall be annexed to and form part of the Colony of the Cape of Good Hope, and from and after the date so named the said territory shall become and be part of the said Colony.

2. This Order may be cited as the British Bechuanaland Order in Council, 1895.

C. L. PEEL.

No. 29.

MR. CHAMBERLAIN to SIR HERCULES ROBINSON.
(Sent 5.45 p.m., October 14, 1895.)

TELEGRAPHIC.

Orders in Council passed 3rd of October assenting to Annexation Act and authorising issue of proclamation; you may do so as soon as pending questions settled.

No. 30.

SIR HERCULES ROBINSON to MR. CHAMBERLAIN.
(Received October 21, 1895.)

Government House, Cape Town,
October 2, 1895.

SIR,

WITH reference to my despatch of 27th August last,* I have the honour to transmit, for your information, a copy of a further telegraphic correspondence with the Administrator of British Bechuanaland, respecting the attitude of the Chief Montsioa in connection with the annexation of the Crown Colony of British Bechuanaland to the Cape Colony.

I have, &c.
HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure 1 in No. 30.

From His Honour the ADMINISTRATOR, Mafeking, to His Excellency the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

August 29, 1895.—I had to-day a long interview with Montsioa and all his headmen about withdrawing the petition against annexation. The Reverend R. F. Appelbe, the

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* No. 24.

Civil Commissioner and Resident Magistrate, and Mr. M. J. Hall were present. Montsioa admitted that he had agreed to withdraw the petition in presence of two of his headmen, Mr. Boyes, Mr. Hall, and myself, but it seems he did not tell the rest of his headmen of it. Now, after long discussion, the headmen have agreed to ratify Montsioa's act in withdrawing the petition, provided the six points which I promised to Montsioa are formally guaranteed to the tribe. I have accordingly written a letter to Montsoia specifying the six conditions. I will forward to your Excellency a copy of this letter by despatch on my return to Vryburg on Saturday next.

Enclosure 2 in No. 30

From His Excellency the HIGH COMMISSIONER, Cape Town, to His Honour the ADMINISTRATOR, Vryburg.

TELEGRAM.

August 30, 1895.—Yours of 29th *re* Montsioa. It does not matter now whether Montsioa withdraws his petition or not, and it is undesirable to make any contract or bargain with him on the subject except as regards his pension. Please inform Montsioa this, and that, as he seems unable to make up his mind, the petition can stand.

Enclosure 3 in No. 30.

From His Honour the ADMINISTRATOR, Mafeking, to His Excellency the HIGH COMMISSIONER, Cape Town.

TELEGRAM.

September 30.—Colonel Rhodes and I are obliged to remain till Wednesday night, as Montsioa and his people, with whom I had long palaver this morning, require time to deliberate on their answer. We are to meet again to-morrow. I have not yet delivered to Montsioa your Excellency's last message to the effect that you would no longer allow him to withdraw his petition against annexation to the Cape. I only got your telegram after the whole matter was settled and the petition withdrawn by the whole tribe, and after my letter to Montsioa specifying the conditions imposed by the Secretary of State had been despatched to Montsioa. To upset all this now will look like bad faith, and, even from the Cape Government point of view, would be, to say the least, impolitic at this crisis, especially as the Barolong already say they can no longer believe the word of the Government since my decision between Khama and his brothers had been reversed; if, however, you still insist on it, I will, of course, deliver your Excellency's last message to Montsioa. My advice is to let sleeping dogs lie.

Enclosure 4 in No. 30.

From His Excellency the GOVERNOR, Cape Town, to His Honour the ADMINISTRATOR, Mafeking.

TELEGRAM.

October 1, 1895.—Yours of yesterday *re* Montsioa. The Chief Montsioa has behaved in such a shuffling manner that I do not attach any importance to his withdrawal. He

first petitioned against annexation, then withdrew his petition, then repudiated his withdrawal, and then ratified his withdrawal. Finally I learn, by to-day's press telegrams, that he has sent two men to England to petition against annexation, and that he has done this without consultation with me. I feel that it is difficult to place any reliance on any engagement made by him, and I must refuse to make any contract or bargain with him in regard to the annexation of the Crown Colony beyond what is embodied in the Annexation Act. I think he ought to know that I am displeased at his conduct, and informed of the position I assume in this matter.

No. 31.

Mr. CHAMBERLAIN to Sir HERCULES ROBINSON.

Sir, Downing Street, October 23, 1895.

I have the honour to acknowledge the receipt of your despatch of the 5th ultimo,* and to convey to you my approval of British Bechuanaland Proclamation of the 29th of August, 1895, dealing with the question of the native reserves in that territory.

I have not yet received the Administrator's report on this Proclamation, as promised in your despatch, but the Proclamation appears to put the question of the native reserves on a more satisfactory footing than they have been hitherto.

I have, &c.
J. CHAMBERLAIN.

No. 32.

Sir HERCULES ROBINSON to Mr. CHAMBERLAIN.
(Received December 7, 1895.)

Government House, Cape Town,
Sir, November 15, 1895.

With reference to your despatch of the 23rd ultimo,† I have the honour to transmit a copy of Sir S. Shippard's report on the British Bechuanaland Proclamation, No. 220, of the 29th August last, making provision with regard to the tenure of Native reserves.

I have, &c.
HERCULES ROBINSON,
Governor and High Commissioner.

Enclosure in No. 32.

Report on Proclamation No. 220 British Bechuanaland, 1895.

This proclamation repeals Proclamation No. 62, British Bechuanaland, 1889, and makes other provisions with regard to the tenure of Native Reserves.

The chief amendment effected is the repeal of the sections providing for the establishment of boards of trustees for Native Reserves. In point of fact these sections were a dead letter, as they had been found practically unworkable on account of the expenditure such a system would have entailed. In view of section 17 of the British Bechuanaland Annexation Act, 1895, the simplest and best course seemed to be to repeal the whole Proclamation and to re-enact such portions as were deemed necessary for the protection of Native interests in this territory.

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* No. 26. † No. 31.

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on 31 October, 2019

Accordingly Proclamation 220 secures the following objects:—

(1) The repeal of Proclamation No. 62; (2) the reservation of precious stones and precious minerals to the Crown; (3) the inalienability of Native Reserves save with the consent of the Secretary of State; (4) the preservation of roads and halting places for travellers; (5) the right of entry for certain public purposes; (6) the right of constructing and maintaining certain public works; (7) the appropriation of certain funds for the benefit of the Natives; and (8) the conservation of forests.

The schedule specifies the names and extent of the Native Reserves, all of which have been surveyed or demarcated with the exception of the Kalahari Native Reserve, which is estimated to contain about 20,000 acres.

SIDNEY SHIPPARD,
Administrator.